DOCUMENT RESUME

ED 162 377 CS 502 298

AUTHOR Wurtzel, Alan
TITLE The Application of Television Technology to the Courtroom.
PUB DATE Nov 78
NOTE 17p.; Paper presented at the Annual Meeting of the Speech Communication Association (64th, Minneapolis, Minnesota, November 2-5, 1978)

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Audiovisual Communication; *Broadcast Television; *Court Litigation; Court Reporters; Due Process; Guidelines; Journalism; *Mass Media; Media Technology; *News Media; *News Reporting; Photographic Equipment

ABSTRACT

Two major technological developments and some definite procedural guidelines have changed television coverage of the courtroom from what it was in the famous case of Billie Sol Estes in 1962. Today, a color camera is compact, operates soundlessly, functions under extremely low light levels, and is equipped with a powerful zoom lens. Likewise, the videotape recorder is small, uses an erasable tape, and permits a single camera located inside the courtroom to feed an electronic video signal to as many individual recorders as may be required. Combined with these unobtrusive pieces of equipment, the following guidelines for television stations help safeguard a fair trial: preparing for the courtroom coverage long in advance; assigning a media coordinator to act as the liaison between the judge and the media and as an arbiter in dealing with disputes which may arise among various media representatives; arranging with other stations for a pooling of coverage; and familiarizing the crew and reporters with the courtroom decorum in order to avoid upset. Increased television coverage in the courtroom calls for greater responsibility and professionalism on the part of network reporters and raises questions as to how the proceedings will be edited, and what impact the coverage will have on trial participants and on society's perception of the court and the legal system. (HAI)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

- ED162377

THE APPLICATION OF TELEVISION TECHNOLOGY TO THE COURTROOM

BY

ALAN WURTZEL
AMERICAN BROADCASTING COMPANY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Alan Wurtzel

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

PAPER PRESENTED AT THE ANNUAL MEETING OF THE SPEECH COMMUNICATION ASSOCIATION, MINNEAPOLIS, MINNESOTA, NOVEMBER-1978.

CS502298

In 1962, Billie Sol Estes went on trial in Tyler, Texas accused of swindling farmers. His celebrated trial was covered by local television stations and by scores of photographers from newspapers and magazines across the country. The ensuing courtroom circus ultimately resulted in the famous Supreme Court Decision which set back television's ability to cover courtroom proceedings significantly.

As these slides from the Supreme Court decision illustrate, over 30 reporters and photographers jammed the aisles, television cameras were mounted on large scaffolding, camera cables snaked across the courtroom floor, the judge's bench bristled with large, prominent microphones, and still photographers roamed about at random during the trial. One still photographer, in fact, went so far as to wander behind the judge to compose an over-the-shoulder shot of the courtroom while the proceedings were underway.

Justice Clark, writing in the 1964 Supreme Court decision which effectively banned television cameras from the courtroom, was highly critical of the "carnival like atmosphere," but refused to close the door entirely to television cameras. As he wrote,

> "When advances in these technical arts permit reporting . . .by television without their present hazard to a fair trial we will have another case."

A REVIEW OF MODERN PRODUCTION EQUIPMENT AND TECHNIQUES WHICH ARE AVAILABLE TO BROADCASTERS TODAY CLEARLY ILLUSTRATES THAT THE TIME FOR "ANOTHER CASE" IS, INDEED, AT HAND. COMPARE THE SCENE IN THE ESTES COURTROOM WITH THIS SLIDE TAKEN AT A MORE RECENT, YET NO LESS CELEBRATED TRIAL: THE MURDER TRIAL OF RONNEY ZAMORA WHICH WAS COVERED BY MIAMI TELEVISION AND SEEN BY AUDIENCES ACROSS THE COUNTRY AND THROUGHOUT THE WORLD.

WHEN WE TALK ABOUT THE APPLICATION OF TELEVISION TECHNOLOGY TO COURTROOM COVERAGE, WE MUST DISCUSS TWO SEPARATE BUT RELATED ISSUES:

(1) THE HARDWARE AND TECHNIQUES WHICH ARE AVAILABLE TO COVER A TRIAL, AND

(2) THE IMPACT OF THAT COVERAGE ON THE TRIAL PROCEEDINGS, ON THE PARTICIPANTS INVOLVED IN THE TRIAL, AND ON THE PUBLIC'S UNDERSTANDING AND PERCEPTION OF OUR COURT SYSTEM.

LOOKING FIRST AT THE TECHNOLOGY, IT'S APPARENT THAT THE RECENT FLURRY OF INTEREST REGARDING TELEVISION ACCESS INTO COURTROOMS CAME AS A DIRECT RESULT OF THE NEW LINES OF MINIATURE CAMERAS AND VIDEOTAPE RECORDERS. THE MODERN COLOR ENG CAMERA IN SIZE AND OPERATIONAL FLEXIBILITY IS A FAR CRY FROM THE LARGE, BULKY MONOCHROME CAMERAS SEEN IN THE ESTES COURTROOM, WHICH REQUIRED A GREAT DEAL OF ADDITIONAL ILLUMINATION IN ORDER TO OPERATE PROPERLY.

TODAY'S ENG CAMERA IS AS COMPACT AS A MAN'S BRIEFCASE, OPERATES SOUNDLESSLY, AND IS EQUIPPED WITH A SOPHISTICATED AND POWERFUL ZOOM LENS PERMITTING THE CAMERA TO COVER THE ENTIRE PROCEEDINGS FROM VIRTUALLY ANY POSITION IN THE COURTROOM.

MODERN ENG CAMERAS CAN FUNCTION UNDER EXTREMELY LOW LIGHT LEVELS. 50 FOOTCANDLES -- ABOUT THE LIGHT LEVEL FOUND IN THIS ROOM -- IS MORE THAN SUFFICIENT FOR THE CAMERA'S OPERATION. UNDER MOST CIRCUMSTANCES, NO ADDITIONAL LIGHT IS NECESSARY. IN CASES WHERE THE LIGHT LEVEL IS MARGINAL, HOWEVER -- SUCH AS IN THE ZAMORA TRIAL -- THE PROBLEM CAN BE EASILY REMEDIED BY SUBSTITUTING "PAR LIGHTS" IN PLACE OF THE CONVENTIONAL BULBS IN ALL CEILING LIGHT FIXTURES. THE PAR LIGHT IS A HIGHLY EFFICIENT BULB WHICH DOES NOT CREATE EXCESSIVE GLARE OR HEAT. THE USE OF THESE LIGHTS IN THE EXISTING FIXTURES BROUGHT THE OVERALL ILLUMINATION UP TO ACCEPTABLE CAMERA WORKING LEVELS WITHOUT INTERFERING IN ANY WAY WITH THE COURTROOM DECORUM OR PROCEEDINGS.

ONE LIGHTING SUGGESTION HAS BEEN FOR BROADCASTERS TO OFFER TO EQUIP CERTAIN COURTROOMS WHERE COVERAGE IS LIKELY WITH PAR LAMPS IN ALL FIXTURES. THE ON-OFF LIGHT SWITCHES ARE REPLACED WITH VARIABLE DIMMER CONTROLS. THIS ENABLES THE LIGHT LEVEL TO BE SET NORMALLY WHEN NO COVERAGE IS UNDERWAY AND TO BE RAISED WHEN ADDITIONAL ILLUMINATION IS NECESSARY.

THE SECOND MAJOR TECHNOLOGICAL DEVELOPMENT HAS BEEN THE PORTABLE VIDEOTAPE RECORDER, OR VTR. A MACHINE WHICH ONCE WAS THE SIZE OF A SMALL ROOM IS NOW THE SIZE OF A PORTABLE TYPEWRITER. IN ADDITION TO ITS SIZE AND PORTABILITY, VIDEOTAPE OFFERS TWO SIGNIFICANT PRODUCTION ADVANTAGES WHEN APPLIED TO COURTROOM COVERAGE:

(1) UNLIKE MOTION PICTURE FILM WHICH CAN ONLY BE EXPOSED ONCE, VIDEOTAPE CAN BE ERASED AND USED OVER AND OVER. THUS, THE ENTIRE TRIAL CAN BE RECORDED FROM START TO FINISH WITHOUT THE NECESSITY OF THE CAMERA OPERATOR OR REPORTER TRYING TO GUESS WHICH PORTIONS OF THE PROCEEDINGS ARE WORTH THE EXPENSE OF FILM AND WHICH OUGHT TO BE SKIPPED TO SAVE MONEY. WITH VIDEOTAPE, ANY PORTIONS WHICH ARE UNUSABLE ARE SIMPLY ERASED AND RECORDED OVER.

(2) SECONDLY, THE VTR ENABLES A SINGLE CAMERA LOCATED INSIDE THE COURTROOM TO FEED AN ELECTRONIC VIDEO SIGNAL TO AS MANY INDIVIDUAL VTR'S AS MAY BE REQUIRED. THUS, EACH STATION IN A MARKET INTERESTED IN COVERING THE TRIAL NEED ONLY SUPPLY ITS OWN VTR. THE MACHINE CAN BE INSTALLED IN AN ADJACENT ROOM WHERE EACH STATION OPERATES ITS OWN RECORDER, SELECTING THOSE PORTIONS OF THE AUDIO AND VIDEO FEED IT WISHES TO RECORD AND OMITTING THOSE IT DOESN'T NEED. REGARDLESS OF HOW MANY VTR'S ARE OPERATED IN AN ADJOINING ROOM, ONLY ONE CAMERA AND OPERATOR ARE ACTUALLY VISIBLE INSIDE THE COURTROOM ITSELF.

THIS EQUIPMENT IS CURRENTLY USED BY VIRTUALLY EVERY STATION AND NETWORK IN COVERING NEWS AND OTHER REMOTE PRODUCTIONS. ITS SUITABILITY FOR COURTROOM COVERAGE IS OBVIOUS AND ITS SMALL SIZE AND LOW PROFILE MAKES IT UNOBTRUSIVE. BUT THE EQUIPMENT ALONE, OF COURSE, WILL NOT PRODUCE SUCCESSFUL TRIAL COVERAGE NOR WILL IT SAFEGUARD A DEFENDANT'S RIGHT TO A FAIR TRIAL. THE EQUIPMENT MUST BE USED PROPERLY AND THE COMBINED EXPERIENCE OF A NUMBER OF STATIONS WHICH HAVE ALREADY COVERED COURTROOM PROCEEDINGS HAS RESULTED IN THE FOLLOWING RECOMMENDED PROCEDURES[1] FOR STATIONS TO FOLLOW:

(1) PREPARE FOR COURTROOM COVERAGE LONG IN ADVANCE. THIS POINT IS STRESSED REPEATEDLY BY EVERY BROADCASTER OR NEWS DIRECTOR WITH EXPERIENCE IN THE BROADCASTING OF COURTROOM PROCEEDINGS. ATTEMPTING TO WORK OUT AN ARRANGEMENT BETWEEN THE MEDIA AND THE COURT JUST PRIOR TO AN IMPORTANT CASE IS NOT THE MOST CONVENIENT TIME TO DEAL WITH THE MANY SENSITIVE ISSUES INVOLVED IN ELECTRONIC COVERAGE. PREPARATION FOR COURTROOM COVERAGE AND THE ESTABLISHMENT OF RULES AND GUIDELINES SHOULD TAKE PLACE LONG BEFORE THEY ARE ACTUALLY NEEDED. SUCH PREPARATIONS NATURALLY INCLUDE MEETINGS AMONG ALL INTERESTED MEDIA AS WELL AS BETWEEN THE MEDIA AND THE COURTS AND THE MEDIA AND THE BAR.

---

[1] FOR A MORE DETAILED DESCRIPTION OF RECOMMENDED PROCEDURES, SEE ALAN WURTZEL, FREE PRESS/FAIR TRIAL: BROADCAST ACCESS TO COURT-ROOM PROCEEDINGS, WASHINGTON, D.C.: NATIONAL ASSOCIATION OF BROADCASTERS, 1978, THE MONOGRAPH FROM WHICH THIS PAPER IS EXCERPTED.

(2) Assign a media coordinator. The media coordinator (MC) serves two important functions: 1) to act as the liaison between the judge and the media (all messages or requests from the media to the judge and vice versa should be relayed through the appointed MC) and 2) to act as an arbiter in dealing with disputes which may arise among various media representatives who are covering the same trial. Solving these problems "in house" is of vital importance in presenting a responsible and professional image to the court during coverage.

(3) Arrange for pooling of coverage. The ability of a single camera to feed multiple videotape recorders makes pooling a logical approach to highly publicized trials. In the Zamora trial, a "media room" was established by the judge. The adjacent room was large enough for all television personnel and equipment. This eliminated noise, distraction, and confusion from the courtroom itself and the privacy made it easier for the press to do its job of covering the trial.

(4) Familiarize the crew and reporters with courtroom decorum. One of the easiest ways to upset the delicate balance between the press and the court is for television crews to violate, either knowingly or inadvertently, courtroom decorum and procedures.

EVEN WITH THE PROPER PROCEDURES AND THE USE OF UNOBTRUSIVE EQUIPMENT, A NUMBER OF IMPORTANT CONCERNS OVER THE IMPACT OF TELEVISION TECHNOLOGY IN THE COURTROOM HAVE BEEN RAISED BY CRITICS. I'D LIKE NOW TO TURN TO A BRIEF DISCUSSION OF THESE BY GROUPING THEM INTO THREE MAJOR AREAS OF INTEREST: (1) EDITING AND RELATED JOURNALISTIC ISSUES, (2) THE IMPACT OF TELEVISION CAMERAS ON TRIAL PARTICIPANTS, AND (3) THE IMPACT OF TELEVISION COVERAGE ON THE SOCIETY'S PERCEPTION OF THE COURT AND LEGAL SYSTEM.

(1) <u>EDITING & JOURNALISTIC ISSUES</u>

ALL JOURNALISM IS BASICALLY AN EDITING PROCESS WHICH REQUIRES THAT A NUMBER OF REASONED JUDGMENTS BE MADE DAILY. DETERMINING WHAT INFORMATION SHOULD BE REPORTED AND WHAT SHOULD NOT ARE DECISIONS FACING ALL REPORTERS, NEWS DIRECTORS AND PRODUCERS. EDITING DOWN HOURS AND HOURS OF TAPE OF A COMPLEX TRIAL REQUIRES ALL OF THEIR SKILL AND JUDGMENT DUE TO THE VERY NATURE OF THE NEWS EVENT.

BROADCAST TRIALS ARE GENERALLY REPORTED IN TWO WAYS. ONE METHOD IS TO COVER THE STORY FOR THE EVENING NEWS. IN THIS CASE TESTIMONY AND EVENTS ARE EDITED INTO A SERIES OF SHORT CLIPS. THE SECOND APPROACH IS TO DISTILL THE HOURS OF PROCEEDINGS INTO A LONGER PACKAGE WHICH MAY RUN 30 MINUTES TO AN HOUR OR MORE, AND TO BROADCAST THESE SUMMARY PACKAGES EACH NIGHT. SOMETIMES, AS IN THE ZAMORA CASE, A TRIAL IS REPORTED BOTH WAYS WITH VARIOUS STATIONS UTILIZING DIFFERENT APPROACHES.

THE GUIDELINES DEVELOPED FOR COVERAGE OF THE ZAMORA TRIAL BY STATION WPBT ARE FAIRLY TYPICAL OF THOSE USED BY OTHER STATIONS. THE GUIDELINES WERE FOLLOWED BY EDITORS AND PRODUCERS IN PREPARING THEIR NIGHTLY SUMMARY PROGRAM WHICH COVERED THE TRIAL IN GREAT DETAIL. IT WAS DECIDED THAT THE MANY PROCEDURAL MATTERS WHICH OCCUR IN A TRIAL AND ARE NOT OF CRUCIAL IMPORTANCE WOULD BE EDITED OUT AND SUMMARIZED BY A REPORTER.

HOWEVER, WPBT ALSO DECIDED THAT THE TESTIMONY OF INDIVIDUAL WITNESSES WOULD NOT BE EDITED BUT WOULD BE CARRIED IN ITS ENTIRETY IF A CUT PROVED NECESSARY DUE TO TIME LIMITATIONS, A DECISION WAS MADE EITHER TO ELIMINATE THE WITNESS ENTIRELY OR TO RUN THE TESTIMONY IN FULL. ACCORDING TO NEWS DIRECTOR LINDA O'BRYON, "WE FELT IT WAS IMPORTANT TO SHOW DIRECT EXAMINATION AS WELL AS CROSS AND RE-ELECT EXAMINATION OF A WITNESS TO MAKE SURE OUR COVERAGE WOULD BE AS FAIR AND AS BALANCED AS POSSIBLE".

IN A NIGHTLY NEWSCAST, HOWEVER, A WITNESS' TESTIMONY WOULD OBVIOUSLY HAVE TO BE EDITED. ONE APPROACH TO FOLLOW IN THIS SITUATION IS NEVER TO CUT INSIDE A WITNESS' SENTENCE OR STATEMENT. THIS WAY WHATEVER EXCERPT IS BROADCAST PRESENTS THE ENTIRE QUESTION AND ANSWER.

ANOTHER EDITING PROBLEM CONCERNS THE USE OF "CUTAWAY" FOOTAGE. (A CUTAWAY IS A SHOT OF SOMEONE OTHER THAN THE SPEAKER AND IS USED TO COVER ABRUPT EDITS, AS A MEANS OF BREAKING UP THE VISUAL MONOTONY OF SEEING THE SAME PICTURE, AND AS A METHOD OF SHOWING SOMEONE REACTING TO WHAT IS BEING SAID.) IN THE CASE OF TRIAL COVERAGE WITH A SINGLE CAMERA, ANY CUTAWAY SHOT THE VIEWER SEES OBVIOUSLY CAN NOT BE ONE OF THE SUBJECT'S REACTION TO WHAT IS

ACTUALLY BEING SAID AT THE TIME SINCE IT IS PHYSICALLY IMPOSSIBLE FOR ONE CAMERA TO COVER BOTH THE SPEAKER AND ANOTHER SUBJECT SIMULTANEOUSLY. WHAT THIS MEANS IS THAT WHENEVER A DEFENDENT, ATTORNEY, JUDGE, OR JUROR IS SHOWN "REACTING" TO A STATEMENT IN CUTAWAY, THE REACTION THAT IS SEEN CAN'T BE TO THE SPECIFIC WORDS WHICH ARE BEING HEARD AT THE TIME. ANY EXPERIENCED TAPE OR FILM EDITOR KNOWS HOW THE MEANING OF A CLIP CAN BE ALTERED THROUGH THE JUXTAPOSITION OF SHOTS. CUTAWAYS MUST BE SELECTED AND USED WITH CARE TO AVOID UNINTENTIONAL "EDITORIALIZING" WHICH CAN RESULT FROM THE PSYCHOLOGICAL ASSOCIATION THE VIEWER MAKES AMONG VARIOUS SHOTS.

AS WITH SO MANY JOURNALISTIC QUESTIONS, IN THE FINAL ANALYSIS MANY OF THE DECISIONS AS TO WHAT TO COVER--AND ESPECIALLY WHAT NOT TO COVER-- MUST BE MADE FOR EACH INDIVIDUAL SITUATION. THERE ARE OFTEN TIMES WHEN THE PRESS MUST EXERCISE DISCRETION. FOR EXAMPLE, IF A WITNESS WERE AN UNDERCOVER AGENT, TELECASTING HIS OR HER TESTIMONY MIGHT UNFAIRLY INVADE THEIR PRIVACY, COMPROMISE THEIR WORK, OR PLACE THEM IN REAL JEOPARDY. WHETHER THE ULTIMATE DECISION TO COVER A PARTICULAR WITNESS IS UP TO THE MEDIA OR RESTS WITH THE COURT WILL FREQUENTLY VARY FROM STATE TO STATE. LINDA O'BRYON, NEWS DIRECTOR OF WPBT, PROBABLY SPEAKS FOR MOST BROADCASTERS WHEN SHE SAYS:

> "WE OBJECT TO A RULING BY A JUDGE TO EXCLUDE CAMERA COVERAGE OF A PROCEEDING WITH ANY WITNESS. WE FEEL THE DECISION SHOULD BE MADE BY THE MEDIA AND WILL BE HANDLED RESPONSIBLY."

ONE LAST POINT REFERS TO THE OBVIOUSLY ROUGH AND UNPOLISHED LOOK THAT A SINGLE CAMERA COVERING A TRIAL INVARIABLY SHOWS. MULTIPLE CAMERAS COVERING THE TRIAL COULD PROVIDE REAL-TIME CUTAWAYS AND ENHANCE THE "LOOK" OF THE COVERAGE BUT MIGHT ULTIMATELY PROVE TO BE A SERIOUS DISADVANTAGE. THE "CINEMA VERITE" LOOK OF SINGLE CAMERA COVERAGE TENDS TO SET THE EVENT APART IN THE VIEWER'S MIND AND REDUCES THE POSSIBILITY OF CONFUSING A REAL-LIFE TRIAL FROM ITS FICTIONAL COUNTERPART.

(2) <u>TELEVISION'S EFFECT ON TRIAL PARTICIPANTS</u>

IT HAS OFTEN BEEN SUGGESTED THAT THE PRESENCE OF THE TELEVISION CAMERA AND THE KNOWLEDGE THAT THE CASE WAS BEING BROADCAST COULD AFFECT THE BEHAVIOR OF THE JUDGE, ATTORNEYS, WITNESSES AND JURORS. A FREQUENT CRITICISM IS THAT TELEVISION ACCESS PLACES AN ADDITIONAL BURDEN ON THE PRESIDING JUDGE WHICH MAY INTERFERE WITH HIS HANDLING OF THE MOST IMPORTANT MATTER -- THE CASE AT HAND. HOWEVER, EXPERIENCE WITH ACCESS HAS DEMONSTRATED THAT THE PROPER PRE-PLANNING AND USE OF A MEDIA COORDINATOR CAN ELIMINATE MOST OF THE ADDITIONAL WORKLOAD.

WHETHER THE BEHAVIOR OF A JUDGE WILL CHANGE IS, OF COURSE, MAINLY SPECULATION. SOME SUGGEST THAT A JUDGE (MANY OF WHOM ARE ELECTED) WILL "PERFORM" WHEN HE KNOWS HE IS BEING OBSERVED BY A LARGE TELEVISION AUDIENCE. BUT COLORADO CHIEF JUSTICE EDWARD PRINGLE, A VETERAN OF 20 YEARS' EXPERIENCE WITH TELEVISION IN THE COURTROOM, HAS SUGGESTED THAT "IF THE JUDGE IS GOING TO SHOWBOAT, HE IS GOING TO SHOWBOAT ANYWAY. MAYBE THE PEOPLE OUGHT TO SEE IT.

BUT I'VE NEVER SEEN IT HAPPEN." JUDGE ROBERT HONDONETTE, JR. OF MOBILE, ALABAMA SAID THAT CAMERAS IN THE COURTROOM "KEPT ME ON MY TOES AND KEPT ALL THE PERSONNEL IN THE COURTROOM ON THEIR TOES."

THE IMPACT OF CAMERAS ON LAWYERS IS ANOTHER QUESTION THAT IS FREQUENTLY RAISED. AGAIN, IT SEEMS UNLIKELY THAT A LAWYER WILL RADICALLY ALTER HIS OR HER STYLE SIMPLY BECAUSE CAMERAS ARE PRESENT. THOSE INCLINED TO A HIGHLY DRAMATIC APPROACH WILL UNDOUBTEDLY CONTINUE TO USE IT; THOSE WHO EMPLOY A LOWER KEY APPROACH WILL NOT LIKELY FEEL THE NEED TO CHANGE THEIR STYLE SIMPLY BECAUSE OF THE CAMERA, ESPECIALLY WHEN YOU CONSIDER THAT REPORTERS WILL BE PRESENT IN ANY EVENT. AS RALPH RENICK, VICE PRESIDENT AND NEWS DIRECTOR OF WTVJ, MIAMI, SAID: "THE TV CAMERA DOES NOT HAVE A VOTE ON THE JURY."

ANOTHER QUESTION FREQUENTLY RAISED IS WHAT, IF ANY, EFFECT WILL TELEVISION COVERAGE HAVE ON WITNESSES? AN EXPERIMENTAL STUDY BY DR. JAMES L. HOYT OF THE UNIVERSITY OF WISCONSIN WAS DESIGNED TO INVESTIGATE THE IMPACT OF A CAMERA ON A WITNESS' TESTIMONY. HOYT SHOWED SUBJECTS THE SAME CONTENT-LOADED FILM AND THEN DIVIDED SUBJECTS INTO THREE GROUPS: ONE GROUP WAS QUESTIONED WITH A CAMERA OBVIOUSLY RECORDING THEM, A SECOND GROUP WAS TOLD THAT THE SESSION WAS BEING RECORDED BUT THE CAMERA WAS KEPT UNOBTRUSIVE, AND IN THE THIRD GROUP NO MENTION WAS MADE OF RECORDING AND NO CAMERA WAS PRESENT. HOYT'S RESULTS SHOWED THAT SUBJECTS WHO WERE TOLD THEY WERE BEING RECORDED AND WHO SAW THE OBVIOUSLY POSITIONED CAMERA TENDED TO ANSWER CORRECTLY SIGNIFICANTLY MORE OFTEN THAN SUBJECTS IN OTHER GROUPS. HOYT'S CONCLUSIONS WAS THAT "FAR FROM FROM BEING A DANGER AND A POTENTIAL HINDRANCE TO A FAIR TRIAL, IN THIS CONTEXT TELEVISION CAMERAS CAN, IN FACT, LEAD TO A FAIRER TRIAL."

(3) Social Impact

Probably the most difficult area to assess is the impact of television coverage of trials on the public's perception and attitudes toward the legal system. Most Americans view the courtroom as a strange and foreboding arena shrouded in ritual and unfamiliar jargon. At the same time, whatever perceptions have been gleaned from fictional trials on television will obviously not jibe easily with the coverage of a real-life case. Some say the "dissonance" created between the neat, logical, and ultimately resolving aspects of television trials and the slow-moving, complex, and often unsatisfying resolution of a real courtroom may be too much for viewers to deal with. It is speculated that cynicism and a mistrust of the legal system will result. Others argue the opposite and claim that the judicial branch of our government is the least familiar to most Americans precisely because coverage has always been limited by the camera ban. Showing audiences how a real courtroom funciton will demythologize a fundamental part of our government. Or, as Chief Justice Pringle of Colorado put it, ". . . the time has come to end the treatment of judicial proceedings as the holy of holies. . .The courts belong to the people and they ought to know exactly what goes on in those courts . . . .".

Dr. George Gerbner, a prominent observer of television's social impact, has criticized trial coverage suggesting that by broadcasting court proceedings, television will incorporate an essential and unique institution into an existing "television culture." According to Gerbner, television molds everything it broadcasts

INTO ITS OWN IMAGE, RESHAPING THE INSTITUTION AND MODIFYING ITS MISSION AND OPERATION TO SUIT THE MEDIUM'S NEEDS. THIS PROBLEM WILL BE EXACERBATED, ARGUES GERBNER, BECAUSE ONLY THE MOST SENSATIONAL AND DRAMATIC TRIALS WILL BE COVERED SINCE THESE ARE GUARANTEED TO ATTRACT THE LARGEST VIEWING AUDIENCES.

WHILE GERBNER'S IDEALS ARE PROVOCATIVE THEY MAY BE SOMEWHAT EXTREME. FIRST, TELEVISION HAS, IN THE WORDS OF JUDGE BAKER, "COME TO VIEW ITS ROLE AS THE CONSCIENCE OF THE COMMUNITY WITH GREATER RESPONSIBILITY." THE MEDIUM IS ALSO WELL AWARE THAT UNLIKE MOST OTHER PROGRAMMING, TELEVISION COVERAGE WILL REMAIN UNDER CLOSE SCRUTINY AND BROADCASTERS MUST DEMONSTRATE THEIR RESPONSIBILITY EACH TIME THEY ENTER A COURTROOM WITH CAMERAS AND MICROPHONE. SECONDLY, THE FACT THAT TELEVISION WILL BROADCAST ONLY A HANDFUL OF TRIALS EACH YEAR IS NOT VERY DIFFERENT FROM THE SITUATION THAT EXISTS TODAY IN BOTH TELEVISION AND PRESS COVERAGE OF COURTROOM TRIALS. ONLY THOSE TRIALS WHICH ARE JUDGED TO BE "NEWSWORTHY" ARE REPORTED AND IT SEEMS THIS PRACTICE WILL NOT CHANGE BECAUSE CAMERAS WILL BE PERMITTED TO PHOTOGRAPH THE TRIALS. IF ANYTHING, FREEING BROADCASTERS TO ENTER THE COURTROOM WITH THEIR CAMERAS SHOULD RESULT IN MORE, NOT LESS, REGULAR COVERAGE OF OUR JUDICIAL SYSTEM.

GERBNER AND OTHER CRITICS ALSO PREDICT THAT TELEVISION COVERAGE WILL ATTEMPT TO SENSATIONALIZE TRIAL PROCEEDINGS SO THEY WILL PROVIDE THE VIEWER WITH DRAMATIC ENTERTAINMENT RATHER THAN WITH AN OBJECTIVE REPORTING OF COURTROOM PROCEEDINGS. YET PRODUCERS WHO HAVE HAD EXPERIENCE IN COVERING COURTROOM CASES ALREADY HAVE DEMONSTRATED THEIR AWARENESS OF THE DANGERS OF SENSATIONALIZING CERTAIN ASPECTS OF THE TRIAL. WPBT GUIDELINES FOR THEIR NEWS STAFF TO FOLLOW IN PREPARING THE ZAMORA COVERAGE SPECIFICALLY INDICATES THAT THE COVERAGE SHOULD AVOID THE OVERLY SENSATIONAL IN FAVOR OF A BALANCED REPORTING OF THE TRIAL'S EVENTS. THE GUIDELINES STATE: "OUR INTENT IS TO BROADCAST NOT ONLY THE HIGHLY INTERESTING OR 'DRAMATIC' PORTIONS OF THE TRIAL, BUT ALSO MATTERS OF LESS INTEREST THAT ARE IMPORTANT TO REFLECT THE BROADER PICTURE OF THE TRIAL."

FINALLY, AS TELEVISION HAS ASSUMED THE ROLE OF PRIMARY NEWS AND INFORMATION SOURCE FOR A MAJORITY OF AMERICANS, ITS NEWS AND MANAGERIAL STAFFS HAVE BECOME HIGHLY TRAINED AND HIGHLY PROFESSIONAL. THERE IS LITTLE DOUBT THAT THE NEWS STAFFS OF STATIONS TODAY ARE FAR MORE EXPERIENCED THAN THOSE OF OVER A DECADE AGO AND CAN BE COUNTED UPON TO ACT RESPONSIBLY AND PROFESSIONALLY. FOR EXAMPLE, IT SEEMS INCONCEIVABLE THAT A STATION TODAY WOULD MAKE THE SAME ERROR IN JUDGMENT AS OCCURRED DURING THE ESTES BROADCASTS AND RUN COMMERCIALS THROUGHOUT THE COVERAGE. EVEN IF ONE WERE UNWILLING TO ATTRIBUTE COMPLETELY ALTRUISTIC REASONS TO BROADCASTERS, THE INCREASINGLY ACTIVE CLIMATE FOR STATE AND FEDERAL REGULATORY AGENCIES COMBINED WITH A HIGHLY ACTIVE AND VOCAL PRESS WOULD

BE MORE THAN SUFFICIENT TO RESTRAIN ANY BROADCASTER TO ACT WITHIN THE LIMITS OF TASTE, RESPONSIBILITY, AND PROFESSIONALISM.

PERHAPS THE STRONGEST EVIDENCE OF TELEVISION'S SENSE OF RESPONSIBILITY AND RESTRAINT IS THE FACT, REPORTED BY CHARLES W. GOLDSMITH, THAT "NOT A SINGLE CASE HAS BEEN REVERSED IN COLORADO DUE TO TELEVISION COVERAGE SINCE COURTROOM BROADCASTING BEGAN IN 1956." IT WOULD SEEM, THEN, THAT A FREE PRESS AND A FAIR TRIAL ARE NOT MUTUALLY EXCLUSIVE. THEY DO, HOWEVER, REQUIRE A REAL SPIRIT OF COOPERATION AMONG ALL THE PARTIES INVOLVED. EXPERIENCE HAS SHOWN THAT WHENEVER THE ISSUE OF TELEVISION ACCESS TO COURTROOMS IS APPROACHED WITH AN OPEN MIND FROM ALL SIDES A CONSENSUS INVARIABLY RESULTS. AS WASHINGTON SUPERIOR COURT JUDGE STANLEY C. SONDERLAND REMARKED ABOUT AN EXPERIMENT IN HIS STATE WITH TELEVISION ACCESS: "EVERYONE, WITHOUT EXCEPTION, CAME INTO THE CHURCH TO SCOFF AND STAYED TO PRAY."